IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 8568 OF 1994

Date:06.02.2006

BETWEEN:

Thadi Vincent Mohan

…. PETITIONER

Vs.

The Joint Sub-Registrar,

Visakhapatnam, Visakhapatnam District.

….RESPONDENT

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 8568 OF 1994

ORAL ORDER:

The petitioner invoked the Mandamus jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a direction to the respondent to register the document No.358/93, dated 4.3.1993.

The Joint Sub-Registrar filed counter affidavit stating that while keeping the document pending the matter was referred to the District Registrar, Visakhapatnam under Section 47-A of the Indian Stamp Act (for short 'the Act') for determination of

market value and collection of stamp duty. The District Registrar in exercise of the powers conferred under Section 47-A of the Act passed orders in proceedings No.155/47-A/94 dated 26.1.1994 determining the market value of the property at Rs.650/- per Sq. yard as on the date of execution of the document, and ordered for payment of deficit stamp duty of Rs.21,315/- and deficit fee of Rs.1020/-.

It is not in dispute that the order passed by the District Collector on reference has not been challenged by the petitioner for which he is entitled for determination of the stamp duty payable under Section 47-A of the Act on reference being made. The petitioner if aggrieved by the due determination of the stamp duty payable, has a right of appeal to the Principal Subordinate Judge having jurisdiction of the area. In view of the fact that an effective alternative remedy is available to the petitioner, this writ petition cannot be entertained.

Accordingly, the Writ Petition is dismissed with liberty to the petitioner to file an appeal against the order passed by the Collector under Section 47-A of the Act. No costs.

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(A. Gopal Reddy, J.)

6th February, 2006

Js.